

MARGARET A. MCLEATCHIE, Nevada Bar No. 10931
LEO S. WOLPERT, Nevada Bar No. 12658
MCLEATCHIE LAW
602 South Tenth Street
Las Vegas, Nevada 89101
Telephone: (702) 728-5300; Fax: (702) 425-8220
Email: efile@nvlitigation.com
Counsel for Plaintiff William Fleming

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WILLIAM FLEMING, an individual,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, a Municipal Corporation;
OFFICER JAVON CHARLES, an
individual; OFFICER TIMOTHY NYE, an
individual; OFFICER GABRIEL LEA, an
individual; OFFICER CODY GRAY, an
individual; OFFICER SUPREET KAUR, as
an individual; OFFICER HALEY
ANDERSEN, as an individual; SERGEANT
JOHN JOHNSON, as an individual;
CAPTAIN DORI KOREN, as an individual;
OFFICER RICHARD PALACIOS, as an
individual; OFFICER PATRICK
WHEARTY, as an individual; OFFICER
WOOD, as an individual; DOE OFFICERS I
– X, individuals.

Defendants.

Case No.: 2:23-cv-00177-RFB-EJY

**STIPULATION AND ORDER TO
EXTEND DISCOVERY PLAN AND
SCHEDULING ORDER
DEADLINES**

(FIRST REQUEST)

Plaintiff WILLIAM FLEMING (“Plaintiff”), by and through his respective
counsel, and Defendants, the Las Vegas Metropolitan Police Department (“LVMPD”),
Officer Javon Charles, Officer Timothy Nye, Officer Gabriel Lea, Officer Cody Gray,
Officer Supreet Kaur, Officer Haley Andersen, Sergeant John Johnson, Captain Dori Koren,
Officer Richard Palacios, Officer Patrick Whearty, Officer Wood, and Doe Officers I – X

(collectively, “LVMPD Defendants”), by and through their respective counsel (collectively the “Parties”), hereby agree and jointly stipulate to extend the Discovery Plan and Scheduling Order deadlines an additional sixty (60) days. This Stipulation is being entered in good faith and not for purposes of delay.

I. STATUS OF DISCOVERY

A. PLAINTIFFS’ DISCOVERY

1. Plaintiff’s Initial Disclosure of Witnesses and Documents Pursuant to FRCP 26, dated April 5, 2023.

2. Plaintiff’s First Supplement to Initial Disclosure of Witnesses and Documents Pursuant to FRCP 26, dated June 14, 2023.

3. Plaintiff William Fleming’s Requests for Production to Defendant Las Vegas Metropolitan Police Department – Set One, dated June 14, 2023.

B. DEFENDANTS’ DISCOVERY

1. LVMPD Defendants’ Initial Disclosure of Witnesses and Documents Pursuant to FRCP 26.1(a)(1), dated April 5, 2023.

II. DISCOVERY THAT REMAINS TO BE COMPLETED

The Parties are actively conducting discovery. For the reasons explained below, the Parties will need additional time to review documents produced in the initial disclosures, propound written discovery, and conduct depositions.

III. SPECIFIC DESCRIPTION OF WHY EXTENSION IS NECESSARY

This is the first request for an extension of discovery deadlines in this matter. The Parties request that the Discovery Plan and Scheduling Order deadlines be extended an additional sixty (60) days so the Parties may continue to conduct discovery. The Parties acknowledge that, pursuant to Local Rule 26-3, a stipulation to extend a deadline set forth in a discovery plan must be submitted to the Court no later than twenty-one (21) days before the expiration of the subject deadline. A request made within twenty-one (21) days of the subject deadline must be supported by a showing of good cause. Here, all the deadlines the Parties seek to extend are outside of the twenty-one (21) day window except the deadline to

1 amend pleadings and add parties. However, good cause exists to extend all the deadlines,
2 including the deadline to amend pleadings and add parties.

3 The Parties respectfully request an extension of time to extend the discovery to
4 enable to them to conduct necessary discovery and so that this matter is fairly resolved on
5 the merits. “Good cause to extend a discovery deadline exists ‘if it cannot reasonably be met
6 despite the diligence of the party seeking the extension.’” *Derosa v. Blood Sys., Inc.*, No.
7 2:13-cv-0137-JCM-NJK, 2013 U.S. Dist. LEXIS 108235, 2013 WL 3975764, at 1 (D. Nev.
8 Aug. 1, 2013) (quoting *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir.
9 1992)); *see also* Fed. R. Civ. P. 1 (providing that the Rules of Civil Procedure “should be
10 construed, administered, and employed by the court and the Parties to secure the just, speedy,
11 and inexpensive determination of every action and proceeding”).

12 The Parties recently exchanged initial disclosures and have been diligently
13 conducting discovery and continue to conduct discovery. Plaintiff is also continuing to
14 review a voluminous number of body-worn camera (BWC) footage videos, many of which
15 identify previously unidentified Doe Officer Defendants. Given the volume of BWC footage,
16 number of incidents that are the subject of Plaintiff’s Complaint, and the need to identify
17 Doe Officers, good cause exists to extend the discovery deadlines, particularly the deadline
18 to amend pleadings and add parties. Further, the Parties contend an extension of the discovery
19 deadlines is necessary in light of Defendants’ outstanding Motion for Partial Dismissal (ECF
20 No. 11).

21 Additionally, counsel for the Parties in this matter are litigating several other
22 unrelated matters (including against each other) which have competing demands. Counsel
23 for Plaintiff is preparing for trial in July which requires significant time and attention, and
24 counsel for Defendants will be out of the jurisdiction for two (2) weeks in June, further
25 compounding the need for an extension of the discovery deadlines. While competing
26 demands of litigation are merely one of many reasons for the instant request, it should be
27 noted that the other litigation between the same counsel involving similar issues can only
28 benefit from the completion of discovery in this matter so that in other litigation, similar

requests can be expedited and can further the resolution of those matters and the interests of justice. Finally, the Parties together request this in good faith and to further the resolution of this complicated case on the merits, and not for any purpose of delay.

IV. ~~PROPOSED~~ SCHEDULE FOR COMPLETING ALL REMAINING DEADLINES

Item	Current Deadline	Proposed New Deadline
Amend Pleadings and Add Parties	June 20, 2023	August 21, 2023¹
Initial Expert Disclosures	July 20, 2023	September 18, 2023
Rebuttal Expert Disclosures	August 21, 2023	October 20, 2023
Discovery Cut-Off	September 18, 2023	November 17, 2023
Dispositive Motions	October 18, 2023	December 18, 2023²
Pretrial Order	November 17, 2023	January 16, 2024 (If dispositive motions are filed, the deadline shall be suspended until thirty (30) days after the decision of the dispositive motions or further order of the Court.)

///

///

///

///

///

///

///

///

///

///

///

///

///

¹ Sixty (60) days from June 20, 2023, is Saturday, August 19, 2023.

² Sixty (60) days from October 18, 2023, is Sunday, December 17, 2023.

1 Based on the foregoing stipulation and proposed deadlines plan, the Parties request
2 that the Discovery Plan and Scheduling Order deadlines be extended additional sixty (60)
3 days so that the parties may conduct additional discovery, conduct depositions and efficiently
4 litigate the case based on the merits.

5 IT IS SO STIPULATED.

6
7 Dated this 20th day of June, 2023.

Dated this 20th day of June, 2023.

8 MCLEATCHIE LAW

MARQUIS AURBACH

9
10 By: /s/ Margaret A. McLetchie
11 Margaret A. McLetchie, Esq.
12 Nevada Bar No. 10931
13 Leo S. Wolpert, Esq.
14 Nevada Bar No. 12658
15 Pieter M. O'Leary, Esq.
16 Nevada Bar No. 15297
17 602 South 10th Street
18 Las Vegas, Nevada 89101
19 *Counsel for Plaintiff*

By: /s/ Jackie V. Nichols
Jackie V. Nichols, Esq.
Nevada Bar No. 14246
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorney for Defendants

20
21 **ORDER**


UNITED STATES MAGISTRATE JUDGE

22 Dated: June 20, 2023
23
24
25
26
27
28